



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,038	12/16/1999	RONALD THOMAS KEEN	RCA89605	8392

7590 02/15/2002

FREDERICK A. WEIN
THOMAS MULTIMEDIA LICENSING INC
P O BOX 5312
2 INDEPENDENCE WAY
PRINCETON, NJ 08543

EXAMINER

YENKE, BRIAN P

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 02/15/2002

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/465,038	KEEN, RONALD THOMAS
	Examiner BRIAN P. YENKE	Art Unit 2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on (none filed) is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) Interview Summary (PTO-413) Paper No(s). _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations of the claims must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the inventive elements as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3a. Claims 1, 7, 10, 13, 19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by **Murakami et al., US 3,836,707**.

In considering claims 1, 7, 10, 13, 19 and 22,

Murakami discloses a video signal processing device for extracting the chrominance and luminance signals from a composite signal in a television receiver.

- 1) the claimed selecting the frequency of the periodic signal... **is met by band pass filter 2 which distributes/extracts the chrominance portion of the signal**
- 2) the claimed predetermining the frequency... **is met by comb shaped filter 3 which passes the frequency components $(n+1/2) fH$ that is $1/2 fH$, where the chrominance signal is an odd harmonic of one-half the scan line frequency (col 1, line 23-41 and col 3, line 27-48).**

3b. Claims 1-4, 10, 13-16, 22 and are rejected under 35 U.S.C. 102(b) as being anticipated by **Collette, US 4,613,828**.

In considering claims 1-4 and 13-16,

Collette discloses a system which provides a frequency locked condition to solve the condition of a system where the clock signal which feeds through the video signal is not completely filtered and hence would leave a remnant in the output signal.

- 1) the claimed selecting the frequency of the periodic signal... **is met by oscillator 50 (Fig1)**

2) the claimed predetermining the frequency of the periodic signal...**is met where the frequency (phase) of the oscillator 50, which ensure the clock signal will have a fixed and unvarying phase relationship with the third harmonic of the color subcarrier. Where the clock signal 28 derived from oscillator 50 via sine BPF 80 to clock driver 28 is delayed by ½ of line 26.**

3. Claims 1, 7, 10, 13, 19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by **Martinez, US 5,812,184.**

In considering claims 1, 7, 13 and 19,

Martinez discloses a system which places additional data over a video signal, where the video/data signal can be processed and eliminating any effects from the data signal on the video presented.

1) the claimed selecting the frequency of the periodic signal...**is met by receiver 49 (Fig 7) of TRM 22 (Fig 5)**

2) the claimed predetermining the frequency...**is met by compressed video detector 50 and uncompressed to NTSC block 52 (Fig 7). To properly cancel the effect of the additional data, the rate of the additional data must equal an odd harmonic of one-half the standard TV horizontal scan rate (col 9, line 28-48 and col 13, line 42-55).**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4a. Claims 5-6 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Martinez, US 5,812,184**

In considering claims 5-6 and claims 17-18,

Martinez does not specifically disclose the predetermined fundamental frequency of the periodic signal is approximately 39.336 kHz.

Martinez discloses that any signal (in addition to video signal) that resides on the periodic video pedestal of 15,734 Hz which is intended to visually cancel must possess a fundamental frequency which an odd multiple of one-half the television horizontal (H-scan) frequency. An example given is the NTSC chrom-subcarrier of 3.579545 MHz is an odd multiple of one-half the horizontal scan rate, a multiple equal to 455.

Therefore, it would be obvious to one or ordinary skill in the art to recognize that many types of signals (frequencies) which reside in the video passband can be eliminated, by selecting a frequency of the residing signal to be an odd multiple of one-half the horizontal scan rate, which would visually cancel the residing video from being displayed.

4b. Claims 8-9, 11-12, 20-21 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Martinez, US 5,812,184** and **Vorenkamp et al., US 6,285,865**.

In considering claims 8-9, 11-12, 20-21 and 23-24,

Martinez does not specifically disclose an integrated circuit.

Martinez discloses a system which can be utilized as a set-top box on television receiver 22/24 (Fig 4), which eliminates extra circuitry required in collecting, switching, sorting viewer responses on the CATV network along with their cumulative noise being eliminated.

Vorenkamp et al., US 6,285,865 discloses a integrated receiver which provides channel selection and image rejection implemented on a single CMOS integrated circuit. The integrated circuit as disclosed by Vorenkamp, discloses that such a receiver would typically be contained in a television set, a set-top box, a VCR, a cable modem or any kind of tuner arrangement.

Therefore, it would have been obvious to one skilled in the art to recognize that Martinez system which eliminates the extract circuitry required to process user's request and eliminates cumulative noise, due to additional alien signals residing on the video band and component generated noise, would have been motivated by Vorenkamp to utilize an integrated-circuit in the design of the receiver to further reduce the size/cost of the receiver, and maintaining the

functionality of being contained in a TV set, set-top box, VCR or any tuner arrangement.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

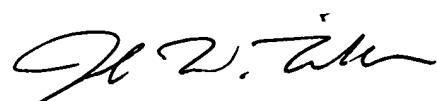
or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-037

B.P.Y.

04 FEBRUARY 2002



**JOHN W. MILLER
PATENT EXAMINER**